

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE HEMISPERX :  
BIOPHARMA, INC. LITIGATION : CIVIL ACTION NO. 09-CV-5262-PSD**

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**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, upon consideration of defendants' Unopposed Motion For A Four-Day Extension Of Time To File The Parties' Joint Motion For Preliminary Approval Of Settlement, it is hereby **ORDERED** that the Motion is **GRANTED**. It is **FURTHER ORDERED** that the deadline for the filing of the parties' Joint Motion for Preliminary Approval of Settlement shall be extended from September 20, 2010 to September 24, 2010.

BY THE COURT:

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**PAUL S. DIAMOND**  
United States District Court Judge

**IN THE UNITED STATES DISTRICT COURT  
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**IN RE HEMISPERX :  
BIOPHARMA, INC. LITIGATION : CIVIL ACTION NO. 09-CV-5262  
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**DEFENDANTS' UNOPPOSED MOTION FOR  
A FOUR-DAY EXTENSION OF TIME TO FILE THE PARTIES'  
JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

Defendants Hemispherx Biopharma, Inc., William A. Carter, M.D. and David R. Strayer, M.D. (collectively “defendants”), by their attorneys, respectfully request a four-day extension of the September 20, 2010 deadline for the filing of the parties’ Joint Motion for Preliminary Approval of Settlement, set forth in the Court’s August 19, 2010 Order. Lead Plaintiff Hemispherx Investor Group (“Lead Plaintiff”) does not oppose this motion. (*See* Certificate of Counsel appended hereto.)

In support of this unopposed motion, defendants state as follows:

1. On August 17, 2010, counsel for defendants and counsel for Lead Plaintiff advised the Court that the parties in the consolidated securities class action had agreed to a settlement in principle, and that they would draft, finalize and execute the final settlement documents within “30 days [from] the end of the week.” (*See* Aug. 17, 2010 Letter to Hon. Paul S. Diamond from Sherrie R. Savett, *et al.* (Docket Entry No. 58).)

2. On August 19, 2010, the Court entered an Order requiring that the parties file a Joint Motion for Preliminary Approval of Settlement no later than September 20, 2010. (*See* August. 19, 2010 Order, ¶ 1 (Docket Entry No. 59).)

3. Because of the intervening Labor Day, Rosh Hashanah and Yom Kippur holidays and the number of persons on each side who must review and approve the extensive and

detailed settlement documents that must be filed with the Court,<sup>1</sup> the parties have determined that they will not be able to complete the preparation and execution of these materials before September 24, 2010.

4. Accordingly, defendants respectfully request a four-day extension, until September 24, 2010, of the September 20, 2010 deadline for filing the parties' Joint Motion for Preliminary Approval of Settlement.

WHEREFORE, defendants respectfully request entry of an Order, in the form attached hereto, granting their unopposed request for a four-day extension of time, until September 24, 2010, to file the parties' Joint Motion for Preliminary Approval of Settlement.

Respectfully submitted,

/s/ Robert L. Hickok

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Attorneys for Defendants  
Hemispherx Biopharma, Inc.,  
William A. Carter, M.D., and  
David R. Strayer, M.D.

September 17, 2010

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<sup>1</sup> These settlement documents include: the parties' Joint Motion for Preliminary Approval, Stipulation and Agreement of Settlement; [Proposed] Order of Preliminary Approval; [Proposed] Order and Final Judgment; Notice of Proposed Settlement; Summary Notice of Proposed Settlement; and Proof of Claim and Release.

**CERTIFICATE OF COUNSEL**

Pursuant to Local Rule 7.1 (b), I hereby certify that I, as counsel for defendants Hemispherx Biopharma, Inc., William A. Carter, M.D. and David R. Strayer, M.D., have conferred with counsel for Lead Plaintiff Hemispherx Investor Group (“Lead Plaintiff”) regarding the foregoing Motion For A Four-Day Extension Of Time To File The Parties’ Joint Motion For Preliminary Approval Of Settlement, and that counsel for Lead Plaintiff has advised that Lead Plaintiff does not oppose the motion.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

September 17, 2010

*/s/ Gay Parks Rainville*  
Gay Parks Rainville

**CERTIFICATE OF SERVICE**

I, Gay Parks Rainville, hereby certify that, on September 17, 2010, I caused a true and correct copy of the foregoing Unopposed Motion For A Four-Day Extension Of Time To File The Parties' Joint Motion For Preliminary Approval Of Settlement upon the following Co-Lead Counsel for Lead Plaintiff via ECF and by electronic mail:

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*/s/Gay Parks Rainville*